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SERVICE DATE - JANUARY 26, 2000

SURFACE TRANSPORTATION BOARD

DECISION¹

Docket No. AB-3 (Sub-No. 133X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IOWA JUNCTION LINE-MANCHESTER LINE IN JEFFERSON DAVIS AND
CALCASIEU PARISHES, LA

Docket No. AB-33 (Sub-No. 93X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
WHITTIER JUNCTION-COLIMA JUNCTION LINE
IN LOS ANGELES COUNTY, CA

Docket No. AB-33 (Sub-No. 96)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT--BARR-GIRARD
LINE IN MENARD, SANGAMON AND MACOUPIN COUNTIES, IL

Docket No. AB-33 (Sub-No. 97X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN DECAMP-EDWARDSVILLE LINE IN MADISON COUNTY, IL

Docket No. AB-33 (Sub-No. 98X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
EDWARDSVILLE-MADISON LINE IN MADISON COUNTY, IL

Decided: January 21, 2000

¹ These proceedings are related to Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (UP/SP). The common control authorized in UP/SP, Decision No. 44 (STB served Aug. 12, 1996) was consummated on September 11, 1996. Missouri Pacific Railroad Company (MPRR) was merged into Union Pacific Railroad Company (UPRR) on January 1, 1997; Southern Pacific Transportation Company (SPT) merged into UPRR on February 1, 1998. The acronym "UP" has reference to the combined UP/SP rail system.

In Docket No. AB-3 (Sub-No. 133X), Missouri Pacific Railroad Company (MPRR) filed a petition for exemption under 49 U.S.C. 10505² from the prior approval requirements of 49 U.S.C. 10903-04 to abandon an approximately 8.5-mile rail line between milepost 680.0 near Iowa Junction and milepost 688.5 near Manchester in Jefferson Davis and Calcasieu Parishes, LA.³ In Docket No. AB-33 (Sub-No. 93X), Union Pacific Railroad Company (UPRR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 5.18 miles of the Whittier Junction-Colima Junction line (portion of the Anaheim Branch) from milepost 0.0 near Whittier Junction to milepost 5.18 near Colima Junction, in Los Angeles County, CA.⁴ In Docket No. AB-33 (Sub-No. 96), UPRR filed an application under 49 CFR 1152.22 to abandon approximately 38.4 miles of rail line extending from milepost 51.0 near Barr to milepost 89.4 near Girard in Menard, Sangamon, and Macoupin Counties, IL.⁵ In Docket No. AB-33 (Sub-No. 97X), UPRR filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 14.6 miles of the DeCamp-Edwardsville line (portion of the Madison Subdivision) from milepost 119.2 near DeCamp to milepost 133.8 near Edwardsville, in Madison County, IL.⁶ In Docket No. AB-33 (Sub-No. 98X), UPRR filed a petition for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon its 14.98-mile rail line from milepost 133.8 near Edwardsville to milepost 148.78 near Madison, in Madison County, IL.⁷

² The statutory provisions cited in this decision were those in effect prior to January 1, 1996, as those provisions applied to the Board's decision in UP/SP and the related proceedings.

³ By letter filed June 14, 1999, UP notified the Board that, on June 1, 1999, it had discontinued service on the line as authorized.

⁴ On December 13, 1996, a NITU was served, authorizing a 180-day period for the City of Whittier to negotiate an interim trail use/rail banking agreement with UP. On March 27, 1998, UP notified the Board that it had discontinued service over the line on March 1, 1998.

⁵ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had discontinued all common carrier rail operations over the line.

⁶ By letter filed December 2, 1998, UP notified the Board that it discontinued service over the 14.0-mile portion of the line between milepost 19.8 near DeCamp and milepost 133.8 near Edwardsville on November 25, 1998. UP also indicated that it is not exercising the authority conferred for the 0.6-mile segment between milepost 119.2 and milepost 119.8 near DeCamp, which UP states was being sold to Norfolk Southern Railway as part of the transaction in STB Finance Docket No. 33610.

⁷ By letter filed December 2, 1998, UP notified the Board that, on November 25, 1998, it had exercised the authority conferred as follows: (1) service was discontinued over the 7.2-mile portion between milepost 133.8 near Edwardsville and milepost 141.0 near Stallings, IL; and (2) the 4.2-mile portion of the line extending from milepost 141.0 near Stallings and milepost 145.2 near

(continued...)

The negotiation periods for the CITUs, served on September 10, 1996, and NITUs, served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorize, among other things,⁸ a 180-day period for MPRR, UPRR and SPT to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies. The negotiation periods for these proceedings were extended by decisions served February 10, 1997, January 26, 1998, August 5, 1998, and July 30, 1999.⁹ The negotiation periods are scheduled to expire on February 8, 2000.

By letter filed January 18, 2000, UP requests an extension of the CITU and NITU negotiation periods for these proceedings through August 8, 2000. UP states that it has not consummated any of these abandonments, and that negotiations for trail use did not begin until the actual service discontinuance. UP also states that it has been engaged in active negotiations with parties interested in trail use, but is unable to conclude trail use agreements before the current negotiating periods expire. UP anticipates that the requested 6 months will be sufficient time to reach final trail use agreements on these lines, or determine whether any such agreements are likely. UP further states that it does not expect to request further extensions if it appears that trail use agreements are not made.

Further extensions of the NITU and CITU negotiating periods are warranted. The requested extensions will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

⁷(...continued)

Granite City, IL was reclassified to industrial trackage. UP also indicated that it is not exercising the authority conferred for the 3.58-mile segment between milepost 145.2 near Granite City and milepost 148.78 near Madison, IL.

⁸ The abandonments are subject to historic and environmental mitigating conditions imposed in UP/SP, Decision No. 44, slip op. at 281-84.

⁹ The July 30, 1999 decision was affirmed by decision served August 4, 1999.

Docket No. AB-3 (Sub-No. 133X), et al.

It is ordered:

1. The periods for negotiations for interim trail use/rail banking in these proceedings are extended to August 8, 2000.¹⁰

2. The decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

¹⁰ In Docket No. AB-33 (Sub-No. 96), as discussed in the July 30, 1999 decision, the bridge near milepost 89.4 at the South end of the line near Girard is not subject to the CITU.

In Docket No. AB-33 (Sub-No. 97X), as discussed in the July 30, 1999 decision, the 0.6-mile portion of the line segment between milepost 119.2 and milepost 119.8 near DeCamp is not subject to the NITU.

In Docket No. AB-33 (Sub-No. 98X), as discussed in the July 30, 1999 decision, the 3.58-mile portion between milepost 145.2 near Granite City and milepost 148.78 near Madison is not subject to the NITU.